



## *Nevada State Board of Medical Examiners*

### **\* \* \* MINUTES \* \* \***

#### **OPEN SESSION**

#### **EMERGENCY TELEPHONE CONFERENCE CALL BOARD MEETING**

Board Office Conference Room  
1105 Terminal Way, Suite 301, Reno, NV 89502

**THURSDAY, MARCH 24, 2005 - 12:00 noon**

#### *Board Members Present at Board Office*

Jean Stoess, M.A.

#### *Board Members Present by Telephone*

Stephen K. Montoya, M.D., President  
Marlene J. Kirch  
Javaid Anwar, M.D.  
Cindy Lamerson, M.D.

#### *Specially Appointed Advisory Board Members Present by Telephone*

Rex T. Baggett, M.D.  
Robin L. Titus, M.D.

#### *Staff Present at Board Office*

Drennan A. Clark, J.D., Executive Secretary/Special Counsel  
Laurie L. Munson, Deputy Executive Secretary  
Bonnie S. Brand, J.D., Acting General Counsel  
Edward O. Cousineau, J.D., Deputy General Counsel  
Douglas C. Cooper, Chief of Investigations  
Pamela J. Castagnola, Lead Investigator  
Terri L. Ward, Investigator  
Angelia L. Donohoe, Administrative Assistant

#### **CALL TO ORDER**

The AT&T telephone conference call operator took roll call, and the meeting was called to order at 12:00 noon by President Stephen K. Montoya, M.D.

### **IN THE MATTER OF TAREK R. GREISS, M.D.**

General Counsel Bonnie S. Brand, J.D., asked if all adjudicating members had received and reviewed the materials sent to them prior to the meeting concerning this matter, including the complaint and exhibits, and all members indicated they had.

Ms. Brand stated that unforeseen circumstances had arisen in that Dr. Greiss' whereabouts have become unknown and the Nevada Health Professionals Assistance Foundation has been unable to randomly test him for substances or assure his compliance with the Diversion Program. It is not known whether he is attempting to practice medicine here or in any other state, and he has a lengthy history of serious and unresolved substance abuse. If he were to return to the practice of medicine it would pose a potential threat to the health, safety and welfare of the public, and therefore emergency action was required by the Board. Accordingly, pursuant to NRS 241.020(2), the meeting had been convened without notice or compliance with NRS Chapter 241, the Nevada Open Meeting Law.

Ms. Brand asked if the Board members had any questions and Dr. Baggett asked whether Dr. Greiss had withheld anything when he applied to the Board for licensure. Ms. Brand stated that Dr. Greiss had not withheld any information when applying for licensure; however, his license was granted contingent upon participation in the diversion program.

Ms. Brand then read the proposed findings and Order of the Board, as follows:

1. That unforeseen circumstances have arisen and exist that pose a risk of impairment of the health and safety of the public and that require immediate Board action.
2. That Respondent has a history of many years of substance abuse and failed attempts at rehabilitative programs to help him overcome his substance abuse problems.
3. That on January 23, 2002, Respondent signed a contract for a five year term of monitoring, counseling, assistance and waiver of confidentiality with the Nevada Health Professionals Assistance Foundation (NHPAF), thereby agreeing to abstain from alcohol, marijuana, cocaine, stimulants, narcotics, sedatives, tranquilizers and all other mood-altering and/or potentially addicting drugs or medications.
4. That on June 1, 2002, the Board granted Respondent a license to practice medicine contingent upon his participation in a Board recognized substance abuse diversion program.

5. That on June 16, 2004, Respondent was terminated from his employment at Associated Anesthesiologists for illegal use of Fentanyl, a strong analgesic with addictive properties.

6. That from July 15, 2004 to August 5, 2004, Respondent was treated for substance abuse at the Talbott Recovery Campus in Atlanta, Georgia, from which he was discharged for repeated relapses and for bringing drugs into the inpatient facility where he was being treated.

7. That on August 30, 2004, Respondent entered residential treatment in the Impaired Professionals Program at Ridgeview Institute where he was diagnosed with Cocaine Dependence Continuous, Alcohol Dependence by history, Fentanyl Abuse and Depressive Disorder NOS.

8. That Respondent was discharged from Ridgeview 17 days later due to a relapse under such circumstances that the management did not allow him to remain in the program.

9. That Respondent has not remained in compliance with the requirement to participate in the NHPAF diversion program.

10. That Respondent has not been drug-tested for at least eight months by NHPAF.

11. That Respondent's whereabouts are uncertain, and, should he return to practice medicine in Nevada, public health and safety would be at unacceptable risk.

Dr. Baggett moved that the Board adopt the findings as read by Ms. Brand. Ms. Stoess seconded the motion, and it passed unanimously.

Dr. Baggett moved that the Board summarily suspend Dr. Greiss' license to practice medicine in Nevada. Ms. Stoess seconded the motion, and it passed unanimously.

#### **IN THE MATTER OF ARMANDO MICIANO, M.D.**

Board member Javaid Anwar M.D. joined the meeting via telephone.

Deputy General Counsel Edward O. Cousineau, J.D., asked if all adjudicating members had received and reviewed the materials sent to them prior to the meeting concerning this matter, including the complaint, exhibits and affidavits, and all members indicated they had.

Dr. Titus asked if the patients of Dr. Miciano who had expired had allegedly done so as a result of Dr. Miciano's prescribing practices. Mr. Cousineau explained that the two counts contained in the complaint against Dr. Miciano are the result of a determination by Dr. Calvanese that there was a direct nexus between the care rendered to those two patients by Dr. Miciano and the patients' deaths. Dr. Miciano's charts have been checked and to date eight cases are out for peer review to determine whether there were violations in the standard of care in those cases, and depending upon the outcome of those peer reviews, the complaint may be amended to add additional counts for failure to maintain adequate records and for signing blank prescription forms. Dr. Miciano's current whereabouts are unknown and there is concern that his continuing ability to practice medicine could result in further harm to the public.

Dr. Montoya stated that although the case has not gone through the complete process yet, it is apparent Dr. Miciano would pose an imminent danger to the health, safety and welfare of the public if he were to continue to practice medicine, and that is why emergency action was required by the Board. Accordingly, pursuant to NRS 241.020(2), the meeting had been convened without notice or compliance with NRS Chapter 241, the Nevada Open Meeting Law.

Discussion ensued concerning the Drug Enforcement Agency's involvement in the case. Mr. Cousineau explained that the D.E.A. was contacted by the Clark County Coroner's office because the cause of death in the two cases that are contained in the Board's complaint against Dr. Miciano was found to be the result of medications prescribed for those patients by Dr. Miciano.

Ms. Ward told the Board that they have been unable to locate Dr. Miciano and that he currently holds no licenses in other states.

Mr. Cousineau stated Dr. Miciano's pharmacy license has been revoked.

Mr. Cousineau then read the proposed findings and Order of the Board, as follows:

1. That unforeseen circumstances have arisen and exist that pose a risk of impairment of the health and safety of the public and that require immediate Board action.
2. That the Nevada State Board of Medical Examiners recently initiated multiple investigations involving the Respondent who is an active licensee in the state of Nevada.

3. That the resultant investigations revealed that Respondent's prescribing patterns for controlled medications were in several instances excessive and deviated from the applicable standard of care. Further, it is alleged by a competent medical practitioner, licensed in the state of Nevada, that Respondent's actions directly contributed to the deaths of at least two of Respondent's patients.

4. That Respondent's whereabouts are not currently known, but Respondent's active license to practice medicine in Nevada poses a risk to the health, safety and welfare of the public, and to pain management patients in particular.

Dr. Anwar moved that the Board adopt the findings as read by Mr. Cousineau. Mrs. Kirch seconded the motion, and it passed unanimously.

Mrs. Kirch moved that the Board summarily suspend Dr. Miciano's license to practice medicine in Nevada. Dr. Anwar seconded the motion, and it passed unanimously.

#### ADJOURNMENT

Dr. Montoya adjourned the meeting at 12:20 p.m.